

# **EXHIBIT A**

CAUSE NO. 20-09-23684-CVR

**JORGE ROBLES,**  
Plaintiff,

**IN THE DISTRICT COURT**

**v.**

143 RD **JUDICIAL DISTRICT**

**OLD DOMINION FREIGHT LINE,  
INC., AND BILLY VANCE JR.,**  
Defendants.

**REEVES COUNTY, TEXAS**

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**PLAINTIFF'S ORIGINAL PETITION WITH ATTACHED WRITTEN DISCOVERY  
TO DEFENDANTS**

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TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff, JORGE ROBLES, and file this his Original Petition With Attached Written Discovery to Defendant, complaining of Defendants OLD DOMINION FREIGHT LINE, INC. AND BILLY VANCE JR. For cause of action, Plaintiff would show this Honorable Court as follows:

**I. DISCOVERY CONTROL PLAN**

Plaintiff intends to conduct discovery pursuant to a level three discovery control plan.

**II. PARTIES**

Plaintiff JORGE ROBLES is an individual residing in Las Cruces, New Mexico.

Defendant OLD DOMINION FREIGHT LINE, INC., is a Texas corporation

and may be served through its registered agent for service of process: CT Corporation System, 1999 Bryan Street., Suite 900, Dallas, Texas 75201.

Defendant, BILLY VANCE JR is an individual whose last known address is 492 Lake Drive, Fulton MS, 38843. Pursuant to Tex. Civ. Prac. & Rem. Code Chap. 17, Subchapter D, service of process may be obtained on Defendant by serving two (2) copies of this pleading and the citation, issued in the name of the Defendant, BILLY VANCE JR, with the Chair of the Texas Transportation Commission listed as the Agent of Service:

Bruce Bugg Jr., Chairman

Texas Transportation Commission

125 E. 11th Street

Austin, Texas 78701-2483

As to the Defendant that is an entity (partnerships, unincorporated associations, incorporated associations, or other entities), or individuals doing business under an assumed name, Plaintiff brings this suit in said Defendant's partnership, assumed or common name under Rule 28 of the Texas Rules of Civil Procedure. Pursuant to Rule 28 of the Texas Rules of Civil Procedure, Plaintiff reserves the right to substitute the true name of said Defendant at a later time.

### III. VENUE

This suit is brought in accordance with the laws of the State of Texas, for the recovery of damages which are within the jurisdictional limits of this Court, to which Plaintiff is entitled to receive as compensation for the

injuries described below. The Court has continuing jurisdiction over Defendant because Defendant committed a tort in whole or in part in the State of Texas. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiffs' counsel states that damages are within the jurisdictional limits of this Court. Further, as required by Rule 47(b), Texas Rules of Civil Procedure, Plaintiffs' counsel states that the damages, harms and losses sought by Plaintiff are in an amount within the jurisdictional limits of this Court. Plaintiffs' counsel is required by Rule 47(c) of the Texas Rules of Civil Procedure to state the amount of damages, in dollar amount, that represent Plaintiffs' harms and losses suffered due to the negligence of the Defendant. The legislative history of this requirement indicates that it is for record keeping and statistical purposes only for lawsuits filed in the State of Texas.

At this time, no discovery has been conducted and Plaintiffs' assertion is made upon knowledge and belief at the time of filing and reserves the right to amend as more information and discovery becomes available. Plaintiffs' counsel states that Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000. The amount of monetary relief actually assessed by the jury or judge, however, will ultimately be determined by a jury or judge after hearing all of the evidence of harms, damages and losses and Plaintiff implicitly trusts the judgment of the good and fair judge or jury as the representatives of our community. Ultimately, Plaintiff will ask a judge or jury of Plaintiffs' peers to assess a fair and reasonable amount of

money damages as compensation for Plaintiffs' injuries

Venue is proper in REEVES COUNTY, Texas pursuant to Texas Civil Practice and Remedies Code Section 15.002(a)(1) because all or a substantial part of the events giving rise to this cause of action occurred in REEVES COUNTY, Texas.

#### IV. FACTS

This lawsuit results from a collision that occurred on or about November 26, 2019 in Pecos, Reeves County, Texas. The incident occurred at Stripes, located at 2600-2612 Highway 17, Pecos, Texas 79722. At the time of the incident, Plaintiff was resting in the bed of his tractor-trailer when Defendant, BILLY VANCE JR., who was operating a tractor trailer collided with Plaintiff vehicle. Defendant, BILLY VANCE JR., fled the scene of the collision without rendering aid or providing the necessary information. As a direct and proximate result of this negligence, Plaintiff sustained personal injuries. Defendant, OLD DOMINION FREIGHT LINE, INC., is vicariously liable for the negligence of BILLY VANCE JR. under the statutory employment doctrine as well as the doctrine of respondeat superior.

OLD DOMINION FREIGHT LINE, INC. is a motor carrier licensed by and registered with the Federal Motor Carrier Safety Administration. OLD DOMINION FREIGHT LINE, INC. hired, qualified, and retained BILLY VANCE JR. as a truck driver. At all times relevant to this lawsuit, BILLY VANCE JR. was acting in the course and scope of his actual and/or statutory

employment with OLD DOMINION FREIGHT LINE, INC.

#### V. CAUSES OF ACTION

At the time of the collision, Defendant, BILLY VANCE JR., was operating his vehicle in a negligent manner. Specifically, Defendant, Billy Valance, Jr., failed to keep a proper lookout for the Plaintiff's safety, failed to timely apply the brakes of his vehicle, failed to turn his vehicle to the left or right to avoid the collision, operated his vehicle at a rate of speed that was greater than that that would have been operated by a person or ordinary prudence, failed to take proper evasive action, failed to remain reasonably attentive to the traffic, failed to main a clear and reasonable distance between his vehicle and Plaintiff's vehicle, failed to sound his horn, failed in his attention to the operation of his vehicle. Defendant was also medically unfit to operate his vehicle and may have been using a prohibited cellular communication device at the time of the collision.

Based on the facts of this wreck, it appears that BILLY VANCE JR. may have been fatigued or driving in violation of the hours-of-service regulations. It further appears that OLD DOMINION FREIGHT LINE, INC. may have been negligent in its entrustment of a tractor-trailer to BILLY VANCE JR., and in the qualification, hiring, training, supervision, and retention of BILLY VANCE JR.

This wreck and the negligence of Defendants proximately caused Plaintiff's injuries.

## **VI. DAMAGES**

Plaintiff seeks to recover the following elements of damages, which were proximately caused by Defendants' negligence:

1. Medical care, past and future;
2. Lost wages and earning capacity, past and future;
3. Physical impairment, past and future;
4. Physical pain, emotional distress, and mental anguish, past and future; and
5. Disfigurement, past and future.

Plaintiff also seek to recover prejudgment interest, post-judgment interest, and court costs.

## **VII. REQUESTS FOR DISCLOSURES**

Defendants, OLD DOMINION FREIGHT LINE, INC. AND BILLY VANCE JR., are each requested to disclose, within fifty (50) days of service of this request, the information or material described in Rule 194.2(a)-(l) of the Texas Rules of Civil Procedure.

## **VIII.**

### **INTERROGATORIES TO DEFENDANT OLD DOMINION FREIGHT LINE, INC.**

Plaintiff, pursuant to Tex. R. Civ. Procedure 196 and 197 propounds the following Interrogatories to Defendant OLD DOMINION FREIGHT LINE, INC.. Defendant's response is due within fifty (50) days from the date of service thereof. Plaintiff also request that Defendant continue to supplement its responses to these Interrogatories as provided for by the

Rules. In these requests Plaintiff refers to the driver who fled the scene of the incident. In the event that Defendant, Vance Jr., was not the driver, please substitute the correct drivers name.

Interrogatory 1. Please state how you contend the collision in question occurred.

RESPONSE:

Interrogatory 2. Please state the positions held, general job descriptions, and lengths of employment of Defendant BILLY VANCE JR. at the time of the collision in question.

RESPONSE:

Interrogatory 3. Please state the full extent of any training, education, or experience concerning driving techniques or principles Defendant BILLY VANCE JR. has received.

RESPONSE:

Interrogatory 4. Was Defendant BILLY VANCE JR. acting in the course and scope of his employment with OLD DOMINION FREIGHT LINE, INC. at the time of the collision made the basis of this lawsuit? If you are contending that Defendant BILLY VANCE JR. was not acting in the course and scope of employment for OLD DOMINION FREIGHT LINE, INC. at the time of the collision, please state exactly why you are making such contention.

RESPONSE:

Interrogatory 5. If the vehicle driven by Defendant BILLY VANCE JR. that was involved in the collision in question was not owned by you, please state the vehicle owner's name, address and telephone number.

RESPONSE:

Interrogatory 6. Please list all traffic accidents in which Defendant BILLY VANCE JR. has been involved, including the location, city, county, state and any violations for which he was cited in connection with any traffic accidents.

RESPONSE:

Interrogatory 7. Please give a description of all traffic violations for which Defendant BILLY VANCE JR. has been cited, including the date, city, county, state, offense alleged and ultimate disposition of such citation.

RESPONSE:

Interrogatory 8 With respect to collisions or accidents involving one of OLD DOMINION FREIGHT LINE, INC.'s vehicles and/or a driver employed by you or under contract with OLD DOMINION FREIGHT LINE, INC., please state:

- a. When the driver is required to make a report and to whom;
- b. A description of any written report required to be made by any person with OLD DOMINION FREIGHT

LINE, INC. and/or the driver;

- c. Where and in whose custody such reports are kept;
- d. When a driver must submit for a drug test by giving a urine sample; and
- e. When such report must be reported to the federal government.

RESPONSE:

Interrogatory 9. Did Defendant BILLY VANCE JR. receive any citations or tickets as a result of the collision in question? If so, what was the outcome? If Defendant BILLY VANCE JR. paid the ticket, did he plead guilty? What court did BILLY VANCE JR. have to appear in or call to resolve the citation or ticket?

RESPONSE:

Interrogatory 10. Do you contend that someone other than Defendant BILLY VANCE JR. did or failed to do something that contributed to the wreck made the basis of this lawsuit? If so, please state what you claim that person did or failed to do, or how the action or inaction caused or contributed to the wreck.

RESPONSE:

Interrogatory 11. Please state the date on which you first subjectively believed that there was a substantial chance that litigation

would arise from the wreck made the basis of this lawsuit?  
What facts gave rise to your subjective relief?

RESPONSE:

Interrogatory 12: What does Defendant OLD DOMINION FREIGHT LINE, INC. do to review drivers' logs to determine whether they are accurate and whether they comply with the hours-of-service regulations? If OLD DOMINION FREIGHT LINE, INC. uses any type of computer program or third-party service to audit logs, please identify the program or service.

RESPONSE:

Interrogatory 13: Does Defendant OLD DOMINION FREIGHT LINE, INC. use any type of GPS system or other computerized device (such as OmniTRACS, Qualcomm or XATA) to monitor the movements and/or speed of its tractors and/or trailers? If so, please describe the system or device, including its name, what data is generated, where the data is stored, and how long the data is retained.

RESPONSE:

Interrogatory 14: For any cell phone used by or issued to Defendant BILLY VANCE JR. during the time period starting one hundred eighty (180) days before the wreck and ending fourteen (14) days after the wreck, please identify the cell phone carrier and the cell phone number.

RESPONSE:

**IX.**

**INTERROGATORIES TO DEFENDANT BILLY VANCE JR.**

Plaintiff, pursuant to Tex. R. Civ. Procedure 196 and 197 propound the following Interrogatories to Defendant BILLY VANCE JR. Defendant's response is due within fifty (50) days from the date of service thereof. Plaintiff also request that Defendant continue to supplement Defendant's responses to these Interrogatories as provided for by the Rules.

Interrogatory 1. Please state how you contend the collision in question occurred.

RESPONSE:

Interrogatory 2. Please state any and all the positions held, general job descriptions, and lengths of employment of BILLY VANCE JR. at the time of the collision in question.

RESPONSE:

Interrogatory 3. Please state the full extent of any training, education, or experience concerning driving techniques or principles Defendant BILLY VANCE JR. has received.

RESPONSE:

Interrogatory 4. Was Defendant BILLY VANCE JR. acting in the course and scope of his employment with Defendant OLD DOMINION FREIGHT LINE, INC. at the time of the collision made the basis of this lawsuit? If you are contending that

Defendant BILLY VANCE JR. was not acting in the course and scope of employment for Defendant OLD DOMINION FREIGHT LINE, INC. at the time of the collision, please state exactly why you are making such contention.

RESPONSE:

Interrogatory 5. If the vehicle driven by Defendant BILLY VANCE JR. that was involved in the collision in question was not owned by you, please state the vehicle owner's name, address and telephone number.

RESPONSE:

Interrogatory 6. Please list all traffic accidents in which Defendant BILLY VANCE JR. has been involved, including the location, city, county, state and any violations for which he was cited in connection with any traffic accidents.

RESPONSE:

Interrogatory 7. Please give a description of all traffic violations for which Defendant BILLY VANCE JR. has been cited, including the date, city, county, state, offense alleged and ultimate disposition of such citation.

RESPONSE:

Interrogatory 8 With respect to collisions or accidents involving one of Defendant OLD DOMINION FREIGHT LINE, INC.'s vehicles and/or a driver employed by Defendant OLD DOMINION

FREIGHT LINE, INC.'s or under contract with Defendant OLD DOMINION FREIGHT LINE, INC., please state:

- a. When the driver is required to make a report and to whom;
- b. A description of any written report required to be made by any person with Defendant OLD DOMINION FREIGHT LINE, INC. and/or the driver;
- c. Where and in whose custody such reports are kept;
- d. When a driver must submit for a drug test by giving a urine sample; and
- e. When such report must be reported to the federal government.

RESPONSE:

Interrogatory 9. Did Defendant BILLY VANCE JR. receive any citations or tickets as a result of the collision in question? If so, what was the outcome? If Defendant BILLY VANCE JR. paid the ticket, did he plead guilty? What court did Defendant BILLY VANCE JR. have to appear in or call to resolve the citation or ticket?

RESPONSE:

Interrogatory 10. Do you contend that someone other than Defendant BILLY VANCE JR. did or failed to do something that contributed to the wreck made the basis of this lawsuit? If so, please

state what you claim that person did or failed to do, or how the action or inaction caused or contributed to the wreck.

RESPONSE:

Interrogatory 11. Please state the date on which you first subjectively believed that there was a substantial chance that litigation would arise from the wreck made the basis of this lawsuit? What facts gave rise to your subjective relief?

RESPONSE:

Interrogatory 12: What does Defendant OLD DOMINION FREIGHT LINE, INC. do to review drivers' logs to determine whether they are accurate and whether they comply with the hours-of-service regulations? If Defendant OLD DOMINION FREIGHT LINE, INC. uses any type of computer program or third-party service to audit logs, please identify the program or service.

RESPONSE:

Interrogatory 13: Does Defendant OLD DOMINION FREIGHT LINE, INC. use any type of GPS system or other computerized device (such as OmniTRACS, Qualcomm or XATA) to monitor the movements and/or speed of its tractors and/or trailers? If so, please describe the system or device, including its name, what data is generated, where the data is stored,

and how long the data is retained.

RESPONSE:

Interrogatory 14: For any cell phone used by or issued to Defendant BILLY VANCE JR. during the time period starting one hundred eighty (180) days before the wreck and ending fourteen (14) days after the wreck, please identify the cell phone carrier and the cell phone number.

RESPONSE:

**X.**

**REQUESTS FOR PRODUCTION TO DEFENDANTS OLD DOMINION FREIGHT LINE, INC. AND BILLY VANCE JR.**

Pursuant to Rule 196, Texas Rules of Civil Procedure, Plaintiff request that, within the time prescribed by law, Defendants OLD DOMINION FREIGHT LINE, INC. and Defendant BILLY VANCE JR. produce and permit Plaintiff to inspect and copy the documents and things described in the requests below, and as instructed below. Plaintiff request that Defendants produce the documents to Plaintiff.

1. Produce any and all documents, including but not limited to invoices, repair bills, or estimates, reflecting the damage to any vehicle involved in the collision in question.

RESPONSE:

2. Produce any and all photographs, videotapes, or other depictions of any vehicle involved in the collision in question.

RESPONSE:

3. Produce any and all photographs of the scene of the collision in question.

RESPONSE:

4. Produce any and all photographs that you intend to use at trial.

RESPONSE:

5. Produce any and all photographs, videotapes or other depictions of Plaintiff.

RESPONSE:

6. Produce any and all photographs, videotapes or other depictions of BILLY VANCE JR..

RESPONSE:

7. Produce any and all witness statements.

RESPONSE:

8. Produce any and all statements from any witnesses.

RESPONSE:

9. Produce any and all statements from any Defendant, Defendant's agents or employees relating to the incident in question.

RESPONSE:

10. Produce any and all documents related to BILLY VANCE JR.'s employment with OLD DOMINION FREIGHT LINE, INC.

RESPONSE:

11. Produce any and all documents related to the maintenance, repair,

acquisition, loads, operation or travel of the vehicle involved in the collision in question. These documents should include, but are not limited to, trip sheets, fuel receipts, work orders, bills of lading, maintenance records, operations manuals, vehicle condition reports, and other documents obtained regarding the vehicle.

RESPONSE:

12. Produce any and all documents regarding any unemployment claim, worker's compensation claim or any other type of claim filed by BILLY VANCE JR. relating to his employment with OLD DOMINION FREIGHT LINE, INC.

RESPONSE:

13. Produce any and all pictures, drawings, photographs or videotapes in your possession or subject to your control that are relevant and material to this cause of action, including but not limited to those showing Jorge Robles, any of the vehicles or any part of the vehicles involved in the collision in question, or the location of such collision.

RESPONSE:

14. Produce any information relating to any conviction to be used for impeachment purposes against any party, witness, and/or person with knowledge of facts named in discovery information provided to you before trial. Please include the name of the person convicted, the offense for which he or she was convicted, the year of such conviction, the court of such conviction and the sentence involved.

RESPONSE:

15. Produce any records or documentation (medical or non-medical) concerning BILLY VANCE JR. that would indicate whether he was using alcohol and/or drugs (including prescription or nonprescription, legal or illegal drugs) within forty-eight (48) hours prior to the collision in question.

RESPONSE:

17. Produce any records or documentation (medical or non-medical) concerning BILLY VANCE JR. that would indicate that he had alcohol and/or drugs (including prescription or nonprescription, legal or illegal), or metabolites of alcohol and/or drugs (including prescription or nonprescription, legal or illegal) in the bloodstream or urine at the time of or the time following the collision in question.

RESPONSE:

18. Produce any records or documentation (medical or non-medical) that would indicate that BILLY VANCE JR. was a regular user of any illegal substance(s) within one (1) year preceding the collision in question.

RESPONSE:

19. Produce a photostatic copy of the front and back of BILLY VANCE JR.'s current driver's license and any commercial license.

RESPONSE:

20. Produce a copy of any company vehicle use records for the vehicle involved in the collision for the one hundred eighty (180) days

preceding and including the date of the collision in question.

RESPONSE:

21. Produce any documentation concerning BILLY VANCE JR. involving disciplinary actions, demerits, reprimands, or incidents indicating less than satisfactory job performance.

RESPONSE:

22. Produce any and all manuals, instructions, guidelines, directives, or memoranda concerning the performance or execution of the position held by BILLY VANCE JR. at the time of the collision in question.

RESPONSE:

23. Produce any and all records, notes, files, memoranda, or other similar documentation indicating an awareness on your part that BILLY VANCE JR. was an unsafe driver.

RESPONSE:

24. Produce any and all documents relating to reservation of rights or denial of coverage on the part of any insurance carrier for any of the named Defendants with respect to this claim.

RESPONSE:

25. If you contend that you had a good faith belief to reasonably anticipate that there was a substantial chance that litigation would ensue on behalf of Plaintiff prior to the date you received notice of this lawsuit, please produce any and all correspondence, memoranda,

statements, tape recordings, transcripts of tape recordings, wire reports, investigation reports, close-out reports, summaries, or any other documents, as well as any other tangible things that you contend showed an outward manifestation that would indicate there was a substantial chance litigation would ensue.

RESPONSE:

26. Produce any reports, memoranda, documents or materials of any type which specifically indicate a date or occurrence on which you rely for any contention that you had a good faith belief to reasonably anticipate that there was a substantial chance that litigation would ensue concerning any injury or damages claimed on behalf of Plaintiff.

RESPONSE:

27. Produce any insurance policies that provide, or may provide, coverage for the collision in question.

RESPONSE:

28. Produce any reservation of rights letters or non-waiver agreements.

RESPONSE:

29. Produce any cell phone bills that would show whether or not BILLY VANCE JR. was using a cell phone on the date of the wreck. This request includes, but is not limited to, cell phone bills for the day of the wreck.

RESPONSE:

30. Produce any and all cell phone bills and records for any cell phone used by BILLY VANCE JR. for the period starting one hundred eighty (180) days before the wreck and ending fourteen (14) days after the wreck

RESPONSE:

31. Provide all GPS and other electronic data and records, including but not limited to all Qualcomm Satellite Communication tracking information showing the location of the truck in the incident at issue in this lawsuit for the period starting one hundred eighty (180) days before the wreck and ending fourteen (14) days after the wreck.

RESPONSE:

32. Produce any and all expense receipts and reports submitted by BILLY VANCE JR. for the period starting one hundred eighty (180) days before the wreck and ending fourteen (14) days after the wreck.

RESPONSE:

33. Produce any and all incident reports generated by BILLY VANCE JR. or OLD DOMINION FREIGHT LINE, INC. regarding the collision at issue in this lawsuit.

RESPONSE:

34. If, during the time period starting one hundred eighty (180) days before the wreck and ending fourteen (14) days after the wreck, BILLY

VANCE JR. drove a truck and/or trailer different than the ones at issue in this lawsuit, provide all GPS and other electronic data and records, including but not limited to all Qualcomm Satellite Communication and OmniTRACS tracking information showing the location of the truck and trailer driven by BILLY VANCE JR. for that time period.

RESPONSE:

35. Produce BILLY VANCE JR.'s log books for the period starting one hundred eighty (180) days before the wreck and ending fourteen (14) days after the wreck.

RESPONSE:

36. Produce OLD DOMINION FREIGHT LINE, INC.'s complete driver qualification file on BILLY VANCE JR.

RESPONSE:

37. Produce any and all personnel files, accident files, and other files and documents that OLD DOMINION FREIGHT LINE, INC. maintains or possesses regarding BILLY VANCE JR.

RESPONSE:

38. Produce any and all fuel receipts, bills of lading, weigh tickets, and toll receipts for any vehicle operated by BILLY VANCE JR. during the period starting one hundred eighty (180) days before the wreck and ending fourteen (14) days after the wreck.

RESPONSE:

39. Produce any and all Qualcomm records and data regarding any vehicle operated by BILLY VANCE JR., and any communications to and from BILLY VANCE JR., for the period starting one hundred eighty (180) days before the wreck and ending fourteen (14) days after the wreck.

RESPONSE:

40. Produce any and all documents and data that shows the speed, location, ignition status, brake status, acceleration, deceleration, sudden stops, and other information regarding any vehicle operated by BILLY VANCE JR. during the period starting one hundred eighty (180) days before the wreck and ending fourteen (14) days after the wreck. The scope of this request includes, but is not limited to, "black box" data, crash data recorders, OmniTRACS data, Qualcomm data, GPS data, XATA data, JETT-Track, DriveOk, FleetMatics, Fleet Management Solutions, Fleetilla, Shadow Tracker, Trimble, and any other data source.

RESPONSE:

41. Produce any and all monthly log summary sheets for BILLY VANCE JR. for the period starting one hundred eighty (180) days before the wreck and ending fourteen (14) days after the wreck.

RESPONSE:

42. Produce any and all notice of logging violations for BILLY VANCE JR. for the period starting one hundred eighty (180) days before the

wreck and ending fourteen (14) days after the wreck.

RESPONSE:

43. Produce the accident register for OLD DOMINION FREIGHT LINE, INC.

RESPONSE:

44. Produce any and all safety performance history records regarding BILLY VANCE JR..

RESPONSE:

45. Produce any and all driver's vehicle inspection reports completed by BILLY VANCE JR. for the period starting one hundred eighty (180) days before the wreck and ending fourteen (14) days after the wreck.

RESPONSE:

46. Produce any and all pretrip check lists completed by BILLY VANCE JR. for the period starting one hundred eighty (180) days before the wreck and ending fourteen (14) days after the wreck.

RESPONSE:

47. Produce the vehicle accident kit issued to BILLY VANCE JR..

RESPONSE:

48. Produce an exemplar blank vehicle accident kit used by OLD DOMINION FREIGHT LINE, INC.

RESPONSE:

49. Produce any and all dispatch and trip reports regarding any vehicle operated by BILLY VANCE JR. for the period starting one hundred

eighty (180) days before the wreck and ending fourteen (14) days after the wreck.

RESPONSE:

50. Produce any and all trip cost report envelopes for any vehicle operated by BILLY VANCE JR. for the period starting one hundred eighty (180) days before the wreck and ending fourteen (14) days after the wreck.

RESPONSE:

51. Produce any and all OmniTRACS data regarding any vehicle operated by BILLY VANCE JR. for the period starting one hundred eighty (180) days before the wreck and ending fourteen (14) days after the wreck.

RESPONSE:

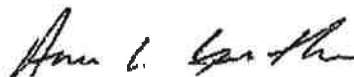
52. Produce copies of all documents obtained by deposition on written question or subpoena.

RESPONSE:

53. Produce any and all documents regarding any audits or examinations performed of OLD DOMINION FREIGHT LINE, INC. by any state or federal agency, including but not limited to any state department of transportation, any state department of motor vehicle, the U.S. Department of Transportation, and the Federal Motor Carrier Safety Administration.

RESPONSE:

Respectfully submitted,  
**THE GENTHE LAW FIRM**



BY:-----  
AARON L. GENTHE  
State Bar No. 24093610  
[efile@genthelawfirm.com](mailto:efile@genthelawfirm.com)  
12801 N. Central Expressway, Suite 260  
Dallas, Texas 75243  
Phone: (214)957-0898  
Fax: (469)788-7645

**ATTORNEY FOR PLAINTIFF**

Respectfully submitted,  
**SALAM AND ASSOCIATES**

/s/Fatima Hassan Salam

BY:-----  
FATIMA HASSAN SALAM  
State Bar No. 09201940  
[attorney@salampc.com](mailto:attorney@salampc.com)  
701 N. Central Expwy, Bldg 2  
Richardson, Texas 75080  
Phone: (972)437-1900  
Fax: (972)437-2027

**ATTORNEY FOR PLAINTIFF**

11/18/2020 5:10 PM  
Pat Tarin  
District Clerk  
Reeves County, Texas  
Misty Thomas

## FOR RETURN

PAT TARIN  
REEVES COUNTY DISTRICT CLERK  
143RD DISTRICT COURT  
PO BOX 848  
PECOS, TX 79772

ATTORNEY FOR PLAINTIFF  
OR PLAINTIFF:  
AARON L. GENTHE  
12801 N. CENTRAL EXPRESSWAY, STE. 260  
DALLAS, TX 75243

### THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

GREETING: Defendant

OLD DOMINION FREIGHT LINE, INC.  
REGISTERED AGENT  
CT CORPORATION SYSTEM  
1999 BRYAN ST., STE. 900  
DALLAS, TX 75201

You are hereby commanded to appear by filing a written answer to the Plaintiff's ORIGINAL PETITION WITH ATTACHED WRITTEN DISCOVERY TO DEFENDANTS at or before ten o'clock a.m. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable District Court of Reeves County, Texas at the Courthouse of said County in Pecos, Texas, filed on SEPTEMBER 14, 2020, in this case, numbered 20-09-23684-CVR on the docket of said court, and styled:

**JORGE ROBLES**  
V.S.

**OLD DOMINION FREIGHT LINE, INC.**  
**BILLY VANCE JR.**

The nature of Plaintiff's demand is fully shown by a true and correct copy of said Plaintiff's Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Pecos, Texas, this 15th day of September, 2020.

ATTEST: PAT TARIN, DISTRICT CLERK  
143RD DISTRICT COURT  
REEVES COUNTY, TEXAS

BY:   
MISTY THOMAS, DEPUTY

CITATION - REGULAR

20-09-23684-CVR  
Plaintiff's ORIGINAL PETITION WITH ATTACHED WRITTEN DISCOVERY TO DEFENDANTS

## SHERIFF'S RETURN

Came to hand the 17 day of November, 2020 at 8:30 o'clock A.M., and executed in Dallas County, State of TX. I do hereby CERTIFY that I delivered to the below-named Defendant (or Respondent), in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with this accompanying true and correct copy of the petition, to-wit:

NAME	DATE MONTH/DAY/YEAR	HOUR/MIN	PLACE
<u>Old Dominion Freightline Inc</u> <u>registered owner: CT Corporation System through TermiThru.com</u>	<u>11/17/2020</u>	<u>1:20pm</u>	<u>1995 Bay St. Ste 900, Dallas, TX 75201</u>

Not executed for the following reason: \_\_\_\_\_

as to the whereabouts of the said Defendant (or Respondent) is: \_\_\_\_\_ Information received \_\_\_\_\_

I am a disinterested person competent to make oath of the fact.

The distance actually traveled by me in serving such process was \_\_\_\_\_ miles:  
Total fee for serving this citation . . . \$ 25.00

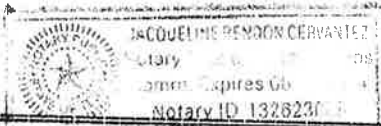
To certify which, Witness my hand officially.

SHERIFF of \_\_\_\_\_ County  
State of \_\_\_\_\_

BY: [Signature] 11/18/2020, DEPUTY

Printed Name of Deputy: \_\_\_\_\_

Subscribed and sworn to by [Signature] (the above named) before me this the 18 date of November, 20 20, to certify which, witness my hand and seal of office.



[Signature]

TO BE USED BY OFFICER OR AUTHORIZED PERSON SERVING THIS CITATION OUT OF STATE.  
(THE PARTY SERVING THIS CITATION SHALL SIGN AND SWEAR TO THE ABOVE RETURN BEFORE A NOTARY PUBLIC OR OTHER OFFICE AUTHORIZED TO TAKE AFFIDAVITS.)

## CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. this copy of this instrument.

State of \_\_\_\_\_  
By: \_\_\_\_\_ Deputy

11/30/2020 10:55 AM  
Pat Tarin  
District Clerk  
Reeves County, Texas  
Misty Thomas

## FOR RETURN

PAT TARIN  
REEVES COUNTY DISTRICT CLERK  
143RD DISTRICT COURT  
PO BOX 848  
PECOS, TX 79772

ATTORNEY FOR PLAINTIFF  
OR PLAINTIFF:  
AARON L. GENTHE  
12801 N. CENTRAL EXPRESSWAY, STE. 260  
DALLAS, TX 75243

### THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

GREETING: Defendant

BILLY VANCE JR  
REGISTERED AGENT  
BRUCE BUGG JR., CHAIRMAN  
TEXAS TRANSPORTATION COMMISSION  
125 E. 11<sup>TH</sup> ST.  
AUSTIN, TX. 78701-2483

You are hereby commanded to appear by filing a written answer to the Plaintiff's **ORIGINAL PETITION WITH ATTACHED WRITTEN DISCOVERY TO DEFENDANTS** at or before ten o'clock a.m. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable District Court of Reeves County, Texas at the Courthouse of said County in Pecos, Texas, filed on SEPTEMBER 14, 2020, in this case, numbered **20-09-23684-CVR** on the docket of said court, and styled:

**JORGE ROBLES**  
VS.  
**OLD DOMINION FREIGHT LINE, INC.**  
**BILLY VANCE JR.**

The nature of Plaintiff's demand is fully shown by a true and correct copy of said Plaintiff's Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Pecos, Texas, this 15th day of September, 2020.

ATTEST: PAT TARIN, DISTRICT CLERK  
143RD DISTRICT COURT  
REEVES COUNTY, TEXAS

BY:   
MISTY THOMAS, DEPUTY

CITATION -- REGULAR

20-09-23684-CVR

Plaintiff's ORIGINAL PETITION WITH ATTACHED WRITTEN DISCOVERY TO DEFENDANTS

## SHERIFF'S RETURN

Came to hand the 17 day of November, 2020 at 9:00 o'clock A.M., and executed in Texas County, State of Texas. I do hereby CERTIFY that I delivered to the below-named Defendant (or Respondent), in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with this accompanying true and correct copy of the petition, to-wit:

NAME	DATE	HOUR/MIN	PLACE
<u>Billy Vance Jr</u>	<u>11/20/2020</u>	<u>9:33 AM</u>	<u>125 E 11th St</u>
<u>Acting Texas Transportation</u>	<u>Commission by CMRRR 7018-3090 0000-5471-0303</u>		<u>Austin, TX 78701-2483</u>

Not executed for the following reason: \_\_\_\_\_

as to the whereabouts of the said Defendant (or Respondent) is: \_\_\_\_\_ Information received \_\_\_\_\_

I am a disinterested person competent to make oath of the fact.

The distance actually traveled by me in serving such process was \_\_\_\_\_ miles:

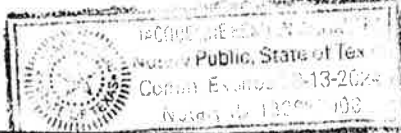
Total fee for serving this citation . . . \$ 75.00

To certify which, Witness my hand officially.

SHERIFF of \_\_\_\_\_ County  
State of \_\_\_\_\_

BY: Heather Bork <sup>PSCH 8133 Exp 2/28/22</sup> DEPUTY  
Heather Bork  
Printed Name of Deputy

Subscribed and sworn to by Heather Bork (the above named) before me this the 25 date of November, 2020, to certify which, witness my hand and seal of office.



TO BE USED BY OFFICER OR AUTHORIZED PERSON SERVING THIS CITATION OUT OF STATE.  
(THE PARTY SERVING THIS CITATION SHALL SIGN AND SWEAR TO THE ABOVE RETURN BEFORE A NOTARY PUBLIC OR OTHER OFFICE AUTHORIZE TO TAKE AFFIDAVITS.)

## CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. this copy of this instrument.

State of \_\_\_\_\_  
By: \_\_\_\_\_ Deputy

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p><i>Billy Vance Jr</i></p> <p><b>TEXAS TRANSPORTATION COMMISSION</b></p> <p><b>ATTN: CHAIRMAN</b></p> <p><b>125 E. 11th STREET</b></p> <p><b>AUSTIN, TEXAS 78701-2483</b></p> <p>9590 9402 4972 9063 3854 48</p>		<p>A. Signature</p> <p><i>[Signature]</i></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p><i>RANDY TOS</i></p> <p>C. Date of Delivery</p> <p><i>NOV 20 2020</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7018 3090 0000 5971 0303</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Registered Mail <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	



9/14/2020 4:16 PM  
Pat Tarin  
District Clerk  
Reeves County, Texas  
Misty Thomas

September 14, 2020

**VIA E-FILE**

143rd Judicial District  
100 East 4th Street Second Floor, P.O. Box 848  
Pecos, TX 79772  
3987 N. Belt Line Road  
Irving, Texas 75038

Re. Jorge Robles v. Old Dominion Freight Line, Inc., And Billy Vance Jr.; 20-09-23684-CVR

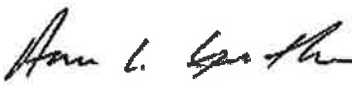
Dear Clerk of Court:

For the above style and cause number please accept this letter as a Request citation for the Defendant(s).

Please email the citation to [efile@genthelawfirm.com](mailto:efile@genthelawfirm.com)

Should you have any questions, please feel free to contact our office.

Very truly yours,  
**THE GENTHE LAW FIRM, P.C.**

  
Aaron L. Genthe  
Attorney

CAUSE NO. 20-09-23684-CVR

JORGE ROBLES,

Plaintiff,

v.

OLD DOMINION FREIGHT LINE, INC.,  
AND BILLY VANCE, JR.,

Defendants,

§ IN THE DISTRICT COURT

§

§

§

§

§

§

§

§

§

143<sup>RD</sup> JUDICIAL DISTRICT

REEVES COUNTY, TEXAS

**DEFENDANT OLD DOMINION FREIGHT LINE, INC.'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, OLD DOMINION FREIGHT LINE, INC. a Defendant in the above-entitled and captioned cause, and files this Original Answer to Plaintiff's Original Petition and in support of the same, would respectfully show the Court as follows:

## I.

Pursuant to Tex. R. Civ. P. 92, Defendant enters its general denial as to Plaintiff's petition and demands strict proof thereof.

## II.

Defendant would show that all or part of Plaintiff's claims are barred by Tex. Civ. Prac. & Rem. Code Ann. §41.0405 since Plaintiff may only recover medical expenses actually paid or incurred.

## III.

Defendant would show that all or part of Plaintiff's alleged claims are barred by Tex. Civ. Prac. & Rem. Code Ann. § 18.091, since any evidence of wages or economic damages must be presented in an after-tax format.

IV.

Defendant would show that Plaintiff has failed to mitigate his alleged damages and injuries, if any, as that term is defined and understood by law.

V.

Defendant requests trial by jury and reserves the right to amend.

**WHEREFORE, PREMISES CONSIDERED.** Defendant prays that upon final hearing that it be discharged and allowed to go hence without day and with its costs and that the Court grant Defendant such other and further relief, general or special, legal or equitable, to which Defendant may be justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS  
SAFI, PANSON & GALATZAN, P.C.**

P.O. Drawer 1977

El Paso, Texas 79950-1977

Phone: (915) 532-2000

Fax: (915) 541-1597

E-Mail: [vereen@mgmsg.com](mailto:vereen@mgmsg.com)

E-Mail: [munden@mgmsg.com](mailto:munden@mgmsg.com)

By: 

**Darryl S. Vereen**

State Bar No. 00785148

Frederick C. Hutterer, III

State Bar No. 24100492

Attorneys for Defendant

CERTIFICATE OF SERVICE

In compliance with Texas Rule of Civil Procedure 21a (e), I, **Darryl S. Vereen**, hereby certify that on the 2 day of December, 2020, a true and correct copy of the foregoing document filed **electronically** with the clerk of the court in accordance with Texas Rule of Civil Procedure 21a (f)(1) is served on the following parties or attorney(s): Aaron L. **Genthe**, Esq., [efile@genthelawfirm.com](mailto:efile@genthelawfirm.com), 12801 N. Central Expressway, Suite 260, Dallas, Texas 75243; Fatima Hassan Salam, Esq., [attorney@salampc.com](mailto:attorney@salampc.com), 701 N. Central Expressway, Building 2, Richardson, Texas 75080.

  
\_\_\_\_\_  
**Darryl S. Vereen**

12/4/2020 2:35 PM

Pat Tarin  
District Clerk  
Reeves County, Texas  
Misty Thomas**CAUSE NO. 20-09-23684-CVR****JORGE ROBLES****Plaintiff,****IN THE DISTRICT COURT****v.****143RD JUDICIAL DISTRICT****OLD DOMINION FREIGHT LINE,  
INC., AND BILLY VANCE JR.,  
Defendants.****REEVES COUNTY, TEXAS**

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**PLAINTIFF'S CERTIFICATE OF WRITTEN DISCOVERY**

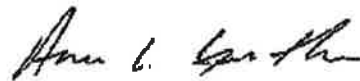
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COMES NOW, Plaintiff, **JORGE ROBLES** and files this, his Certificate of Written Discovery and would show that the following documents were served on all counsel of record.

1. Plaintiff's Responses to Defendant's Requests for Disclosures;

Respectfully submitted,

**THE GENTHE LAW FIRM**



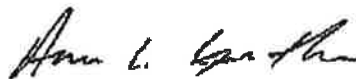
BY: \_\_\_\_\_

Aaron Genthe  
SBN: 24093610  
aaron@genthelawfirm.com  
12801 N. Central Expressway, Ste. 260  
Dallas, TX 75243  
Tel. (214) 957-0898  
Fax: (469) 788-7645  
**ATTORNEY FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I certify that a true copy of the above was served on counsel of record in accordance with the Texas Rules of Civil Procedure on 2020-12-04.

Via E-Service  
Darryl Vereen  
MOUNCE, GREEN, MYERS, SEFI, PAXSON & GALATZAN  
100 North Stanton, Suite 1000  
El Paso, TX 79999  
Tel: (915) 541-1597 / Fax: (915) 541-1597  
Attorneys for Defendant,  
Old Dominion Freight Line, Inc.



\_\_\_\_\_  
Aaron Genthe